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Dialogism in the Discourse on Human Trafficking

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Abstract

Summing up part of the results of the research carried out by the Romanian team of “Dunărea de Jos” University of Galați in the international FP7 project *Gender, Migration and Intercultural Interaction in the Mediterranean and South-East Europe* (Ge.M.IC.) (2008-2011), the paper focuses on human trafficking as the most violent, gender-marked form of migration. It aims at exploring the dynamics of trafficking-related conceptual frameworks at the crossroads of the public and private spheres as well as at assessing the impact of various discursive patterns on the (lack of) visibility of victims of violence. In this respect, it juxtaposes, for comparative purposes, two kinds of discursive patterns: the mainstream public – legal and institutional–discourses on trafficking that characterize the Romanian context, on the one hand, and individual testimonies of professionals working in various institutions that monitor the phenomenon and/or provide assistance to the victims in the Galați area, on the other.

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1. Introduction

Scholarly research has revealed violence as a multifaceted phenomenon for the understanding of which one must go beyond ‘the tip of the iceberg’, i.e., physical (in particular sexual) aggression, to consider various forms of exclusion and discrimination (whether gender, race, class or culture difference-related) in which discursive patterns hold a central position influencing power dynamics and identity/alterity constructs. As Judith Butler [1] points out in an attempt at emphasizing the relation between modes of address and (moral) authority, addressing the other is far more than a mere speech act, it is a means of influencing the other’s existence: “[T]here is a certain violence already in being addressed, given a name, subject to a set of impositions, compelled to respond to an exacting alterity. No one controls the terms by which one is addressed, at least not in the most fundamental way. To be addressed is to be, from the start, deprived of will, and to have that deprivation exist as the basis of one’s situation in discourse” [2]. In

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this light, one may infer that victims of violence cannot control the claims, demands or representations that various forms of discourse – here including those pertaining to legal, political and institutional frameworks, media representations, etc. – put forth and that are implicitly related to the precariousness of their existence. In other words, awareness of the power of discourse that may contribute to the dehumanization or humanization of the victims [3] should lie at the heart of any contrastive analysis of public/mainstream and private representations of violence, as the very language that is used to construct them may enhance or, on the contrary, suspend trauma-engendering victimization. The process of re-shaping our “face”, to use Levinas’s concept [4], must combat legal, social, political and cultural blindness to the victims’ suffering [5] and, by “establish[ing] modes of public seeing and hearing”, contribute to developing a sense of public responsibility that would invite empathy with the victims and avoid their “effacement through occlusion” or “through representation itself” [6]. Thus, the paper starts from the assumption that the juxtaposition of public (i.e., legal and institutional) and private (i.e., individual) discourses on violence, in general, and on human trafficking as one of its gender-marked manifestations, in particular, may provide the means to better assess the gap between discursive paradigms and become the very basis on which solutions could be found to lend the victims visibility.

2. Human Trafficking in Post-Communist Romania. A Case Study

After the fall of the Communist regime, an undeniable outcome of the major economic, political, social and cultural changes in the Romanian society has been the rapid growth and diversification of migration flows to the point that post-1989 Romania’s status has been, simultaneously, that of a sending, transit and receiving country. Despite the fact that gender differences have turned out, in time, an important criterion for the characterization of one of the most representative Romanian out-migration trends, i.e., emigration for labor, the most explicitly gendered dimension of migration in the Romanian context has remained that of trafficking in human beings. In the last decade of the twentieth century and early years of the new millennium, Romania has been both a source and a transit country for human trafficking, with victims – mainly women and children (but also, though less often, men) – being trafficked to numerous countries of destination in the Balkan states as well as in the Schengen area [7] to be subject to different forms of exploitation (especially sexual exploitation, but also forced labor, beggary and petty crime).

Addressing human trafficking mainly as a moral problem and/or a problem of organized crime, many international organizations urged the Romanian government to take measures, closely following the trends at the international and European level, with a view to diminishing trafficking flows. A first step implied the ratification and implementation of basic international legal instruments like the UN Convention on Organized Transnational Criminal Activities, the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Optional Protocol to the Convention on Children’s Rights, regarding child-trading and infantile prostitution and pornography (See Law no. 565/2002). In the process of harmonization of the Romanian legislation with these international standards, a number of domestic laws were issued in an attempt at foregrounding a new, broader perspective on trafficking that would allow more effective action to prevent and combat trafficking, whether external or internal, in all its forms. A cornerstone in this respect was Law no. 678/2001 (modified and completed over the next years in accordance with the changes in the international legislation on trafficking), which insisted not only on updating the basic conceptual apparatus of the anti-trafficking debate, but also on the importance of inter-institutional collaboration at national and international, governmental and non-governmental levels. Against the legal background created by this law and several other domestic legal instruments (Law no. 39/2003 on preventing and combating organized crime and Law no. 211/2004 on victim protection which transposed at the national level Council Framework Decision of 15 March 2001 – 2001/220/JHA – on the standing of victims in criminal proceedings, Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, European Convention on the Compensation of Victims of Violent Crimes – Strasbourg, 24.XI.1983, and Recommendation

No. R(85) 11 to the Member States on the position of the victim in the framework of criminal law and procedure), a National Action Plan for Combating Trafficking in Human Beings (approved by Government Ordinance 1216/2001) and a National Action Plan for Preventing and Combating Trafficking of Children (2004) encouraged more active involvement of various Romanian state institutions and NGOs, next to international bodies like the Council of Europe, the FBI, the US Department of State, the US Department of Labor, IOM, OSCE, etc., in successfully promoting policies of trafficking prevention and reintegration of the victims.

In 2005, Romania created a new institutional frame – the National Agency Against Trafficking in Persons (Government Ordinance 1584/2005 with its subsequent modifications and amendments) – for the monitoring of anti-trafficking policies. One year later, the legislation on trafficking significantly improved by the ratification (in Law no. 300/ 2006) of the Council of Europe Convention on Action against Trafficking in Human Beings (2005). On this basis, a new National Plan (2008-2010) for the Implementation of the National Strategy against Trafficking in Persons 2006-2010 was approved, laying further stress on: assistance to and reintegration of victims; prevention of trafficking by different means with a view to discouraging the demand and to working more efficiently at the level of the civil society (through educational programs and public-awareness campaigns targeting the potential victims of trafficking). Yet, despite all these relatively successful efforts to enforce laws against trafficking, to combat trafficking and to help the victims, Romania ranked in 2009 among the countries of the second tier, according to the classification in the US State Department Report. (Two years later, Romania still held the same position, as shown in the US State Department Report for 2011) [8].

The evolution of human trafficking-related discourses outlined above was focused upon by the Romanian team of “Dunărea de Jos” University of Galați involved in the international FP7 project *Gender, Migration and Intercultural Interaction in the Mediterranean and South-East Europe* (Ge.M.I.C.) (2008-2011) as part of their research on intercultural violence. Structuring their study on violence in the context of migration and intercultural relations so as to underline its impact on the gendered and/or national identity of the victims, the team members tackled human trafficking as a key subject for debate, the conceptual framework of which could be better explored through the contrastive approach to the mainstream (official) discourse on trafficking, as recorded in Romanian legislation, policy documents and institutional reports, on the one hand, and the accounts of professionals working in various specialized institutions, on the other. To gather information on the professionals’ opinions and experiences, the team chose to make the best of the contacts they could establish with different institutions in Galați, which could shed more light on the implementation of human trafficking-related programs in this strategic, border-crossing area, including: the General Directorate for Social Assistance and Child Protection of the Galați County Council, the shelter for children of the General Directorate for Social Assistance and Child Protection of the Galați County Council, the Galați Regional Centre of the National Agency Against Trafficking in Persons and the Galați Inspectorate of the Romanian Border Police. The representatives of these local institutions (here referred to as ‘Dana’, ‘Mirela’, ‘Mihaela’, ‘Mitrița’, ‘Radu’ and ‘Cătălin’¹) supported the research carried out by the Ge.M.I.C. team by their active participation in a focus group and several individual interviews in which they brought into discussion the validity at the micro – local and private – level of strategies, policies and legal frames regarding human trafficking conceived at the macro – national – level. Their individual accounts rounded off the corpus analyzed to reveal the strengths and weaknesses of the currently available institutional patterns and to raise awareness of the need for further socio-political action to change the current status-quo of the gray area where migration, gender and violence intersect.

¹ According to the confidentiality protocol, the interviewees’ identity was concealed and pseudonyms or first names were made use of in referring to them in the analysis of the information collected. For the better understanding of the interviews, here are some details on the interviewees’ positions in the institutions they represented: ‘Dana’ – legal adviser with the General Directorate for Social Assistance and Child Protection of the Galați County Council; ‘Mihaela’ and ‘Mirela’ – psychologists with the General Directorate for Social Assistance and Child Protection of the Galați County Council; ‘Mitrița’ – instructor at the shelter for children of the General Directorate for Social Assistance and Child Protection of the Galați County Council; ‘Radu’ – psychologist with the Galați Regional Centre of the National Agency Against Trafficking in Persons; Cătălin – officer at the Galați Inspectorate of the Romanian Border Police.

3. ‘Trafficking’ and ‘Victim’ – Two Still Problematic Concepts

At the international and European level, the awareness of the need to combat human trafficking as one of the most ‘visible’ forms of violence has resulted, ever since the early half of the twentieth century, in the issuing of a number of legal documents. For years, in such discursive frames, the meaning of trafficking was confined to prostitution (also referred to as “white slavery” [9]). The aspect actually remained of great concern for the international and European policy-making structures throughout the twentieth century as part of the larger framework of organized crime and migration. That may account for the significant number of legal documents, strategies and research studies produced particularly since the 1980s encouraging legal and technical cooperation to monitor and fight back violence and sexual exploitation, especially of women and children. Criticism of trafficking policies focusing strictly on prostitution/sexual exploitation coming, above all, from NGOs drew the attention to the fact that trafficking is, in fact, “a complex problem, related to different fields and interests: migration, organized crime, prostitution, human rights, violence against women, the feminization of poverty, the gender division of the international labor market, unequal international economic relationships, etc.” [10], and that conceiving it unilaterally might result in devising ultimately deficient strategies. So, gradually, the legal instruments issued at the turn of the millennium by international and European bodies, chief among which due mention should be made of the UN Convention against Transnational Organized Crime (November 2000) and the Council of Europe Convention on Action against Trafficking in Human Beings (May 2005), placed trafficking in a larger context and provided it with a more comprehensive definition: “‘Trafficking in human beings’ shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” [11].

This perspective emphasizing the three major components of trafficking – actions, means and purpose (i.e., exploitation in its various forms) – was reinforced by several EU-adopted legal instruments (e.g. Council Framework Decision of 19 July 2002 on combating trafficking in human beings 2002/629/JHA; Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities) and taken up in the Romanian domestic laws on trafficking as well. It is worth mentioning that, especially within the five years that separated the issuing of the UN Convention against Transnational Organized Crime (2000) from that of the Council of Europe Convention on Action against Trafficking in Human Beings (2005), the tendency in trafficking-related legal discourse at the international level was to lay particular stress only on some forms of trafficking (though indeed representative), i.e., forced labor and sexual exploitation, and to display a more obvious orientation towards a criminal approach to trafficking rather than a human rights model [12]. Even when significant steps were made to encourage the protection of the victims (by giving them the right to a temporary residence permit on the territory of the host country, for instance), these legal instruments remained essentially “designed to facilitate cooperation between states to combat organized crime, (...) to strengthen border controls to prevent trafficking and smuggling”, to intercept and prosecute traffickers and to keep victim protection dependent on the cooperation with the authorities [13]. More clearly human rights-oriented, the 2005 Council of Europe Convention on Action against Trafficking in Human Beings provided “a new standard for countries to work towards”, promoting “guaranteed minimum standards of protection” for the victims: thus, according to van den Anker, “through the adoption of the Convention, the Council of Europe has demonstrated official recognition of the need for governments to provide protection and support to all trafficked people independent of the industry they work in” [14].

The vacillation between perspectives on human trafficking may be spotted in the Romanian legislation on trafficking as well, partly because much of it was put forth in the process of harmonization with the general tendencies in the field at the international level. For instance, most explicitly anchored in the criminal approach to trafficking, the Romanian Penal Code (2009) seems to be entangled in a self-contradictory understanding of the status of the victim. On the one hand, it defines the victims of trafficking in stereotypical terms as age-determined (Art. 210 “Trafficking in human beings” and Art. 211 “Trafficking in minors”) and, above all, as innocent, passive, vulnerable (as suggested by the very title of Chapter VII in the section on “Offences against the person” that stipulates penalties for “Trafficking and vulnerable persons’ exploitation”). On the other hand, it incorporates the urge to the decriminalization of the victim expressed in the 2005 Council of Europe Convention: “the consent of the victim of trafficking is irrelevant and does not justify exploitation” (Art. 210) [15].

In addition, the Romanian Penal Code maintains, implicitly, some kind of ranking of exploitation forms, paying special attention to slavery, forced labor, sexual exploitation and beggary (all with individual articles – Art. 209, 212-215) and marginalizing trafficking for removal of organs, which is displaced in the chapter on “Offences against religious freedom and respect due to the dead”, Art. 384.

As for the approach to sexual exploitation, it reveals the Code still tributary to the confusion between sex trafficking and prostitution. The juxtaposition, within the same frame, of prostitution, based on the individual agency [16], and sex trafficking, based on coercion, which is maintained in the updated, 2011 version of the Penal Code, betrays a tendency to using the law as an instrument of the ‘higher’ moral authority of the State, which, in order to maintain its border security, public order, civic freedom and moral standards, criminalizes human trafficking and all the activities it considers linked to it (e.g. prostitution or illegal migration), while failing to acknowledge its own responsibility [17]. As a matter of fact, the debate on prostitution as a service sector or a crime may also be linked to another shortcoming of the Penal Code: there is no penalty for those who demand sexual services, though the 2005 Council of Europe Convention against Trafficking in Human Beings (ratified by the Romanian Law 300/2006) recommends taking measures to discourage the demand (Art. 6) as well as the criminalization of the use of services of a victim (Art. 19) [18]. Even the legal instruments that follow more closely the lines and recommendations of the 2005 Council of Europe Convention, like Law 678/2001 on preventing and combating trafficking in human beings and the National Action Plan for the implementation of the National Strategy against Trafficking in Human Beings between 2006-2010, fail to adequately consider the demand for sexual services as one of the root causes of human trafficking at home (internal trafficking) or abroad (external trafficking) and thus to draw the attention to the responsibility of the civil society in general for the proliferation of such manifestations of violence.

Last but not least, another sign of Romanian trafficking-related policies and legislation being still criminal law-oriented is that, for both externally and internally trafficked victims, the right to protection and assistance is intrinsically related to their cooperation with the authorities. (See Art. 39 of Law 678 completed by Government Ordinances 79/2005 and 194/2002, republished in 2008 with its subsequent amendments and completions [19], and Chapter C: Legal framework of the Government Ordinance regarding the approval of the National Identification and Referral Mechanism for Victims of Trafficking [20]).

It is true that, though still partly tributary to the criminal law perspective (as shown by the focus on the offences subsumed to trafficking, for instance), Law 678/2001 amended and completed over the years also illustrates a certain reorientation to a human rights perspective on trafficking, proposing, next to measures meant to identify potential victims and to include them in programs for the prevention of trafficking, steps to provide better protection and assistance to the victims with a view to their reintegration in the society. The same tendency is sustained by the National Identification and Referral Mechanism for Victims of Trafficking (2008) and the approach to trafficking promoted by the National Agency Against Trafficking in Persons that sees this phenomenon as complex and encourages its interpretation in criminal, but also economic, psychological, sociological, and human rights terms [21].

Altogether, whatever the perspective on trafficking that they favor, legal documents share a gender-neutral representation of it. In practice, however, as the interviews have shown, trafficking in human beings is perceived as highly gender-marked. The first aspect that all the interviewees mentioned, when invited to give a personal definition of trafficking, referred to the dominance of trafficking for sexual exploitation, the victims of which are (without any exception, at least in their experience) women. Once the purpose identified, stress was laid on the means – threat, force, deceit, coercion, abduction – and on the distinction made, in the context of the Romanian criminal law, between trafficking in women and trafficking in minors. Unavoidably, in this context, issues were raised in relation to the trafficking versus prostitution debate, on the one hand, and to the ‘innocent’ victim stereotype, on the other: “Dana: Human trafficking is ... implies, in most of the cases, a person’s exploitation for various purposes: sex, labor, etc.... Yet, people at large confuse sexual exploitation with prostitution. And we have had a problem with this. We always have. Everyone says: ‘What?! This is what they wanted in the first place! Why are you going on about victims of trafficking, they pose as victims...’ It’s true, maybe some really wanted to sell sex, knew what it was all about and went for it. On the other hand, however, the legislation stipulates that: even if she knew and wanted to, with the underage, for example, it is traffic anyway. It is difficult. People don’t distinguish between prostitution and trafficking for sexual exploitation. [...] Generally, she leaves because she knows there is something in it for her. [...] And then she knows that she leaves to earn some money, and... ends up in a different situation”. The wide range of real-life situations that have to be categorized by means of conceptual labels makes indeed the definition of the victim prone to vacillations between the ‘innocent’ versus ‘guilty’ (therefore, not a victim) perspective: undeniably, when the victimizer is “the mother, the step mother or the brother... [...] a relative she trusts or a friend who has stood by her side for half a year offering her gifts, flowers and paying her compliments, [...] her future husband...” (Mirela), there is no doubt about the victim’s being innocent and ignorant of what goes on beyond deceitful appearances; these are the ‘classical’ victim types. Yet, the problematic cases appear when, as Dana, Radu and Cătălin remarked, the girls/women are very much aware of the sexual component of the work they are promised and, even if they do not exactly love the idea, they simply accept it: “That happens especially when the victims are recruited from among former prostitutes,” as Radu pointed out. But, of course, they all agreed that “‘knowing beforehand’ that someone will sell sex may be a poor measure of potential exploitation and unhappiness, because it is difficult, if not impossible, to know what working conditions will *feel* like in future jobs (a problem not unique to sexual occupations)” [22]. This is, however, the point where imposing harsh moral value judgments from a patriarchal perspective does violence to the ‘guilty’ victim, adding to the precariousness of her life, while, at the same time, by virtue of the understanding of prostitution as degrading, denying those who actually are sex workers the right to claiming protection as representatives of a service sector, which, in the long run, “leaves room for extremes of exploitation, including trafficking” [23].

The situation seems to be further complicated by legally defining victims of trafficking in terms of age, as all underage girls are considered victims of trafficking, irrespective of their individual agency. The example given by Cătălin of a case he worked on concerning a priest’s underage daughter seems to fit, in practice, into the pattern of the sex worker whose actions are entirely driven by human desire, independence and personality type rather than that of the trafficked victim: she left home every morning, claiming to go to school, but she actually spent the day selling sex by the highway entering the town; then, she returned home as if from school; she was discovered by her parents only when the school informed them she had not attended the classes and risked dropping out. Similar cases were signaled by Mitrița who claimed that some of the girls who were brought in the shelter by the police as victims of external trafficking (from Spain, Italy or Norway) would not consider themselves as victims; instead, they kept in touch with their procurers to whom they revealed the address of the shelter, though that was against the shelter regulations, and whom they joined after leaving the shelter. Even if Mitrița had a hard time accepting that “people’s conceptions of ‘risk’ and ‘morality’ vary” [24] and tended to become excessively critical, adopting a rigidly moralizing stance, her examples sustained the ambiguity that seemed to characterize the very discourse of the professionals in whose terms the status of such minors remained

‘trapped’ between the provisions of the anti-trafficking law and the varied array of situations that they faced in practice, either in internal or external trafficking.

One possible solution would be, according to these professionals, the decriminalization or even legalization of prostitution. That would not mean that trafficking would disappear, but that would allow sex work to be managed instead of ignored, through a clearer distinction between procuring, prostitution and trafficking. Procurers and organized crime figures, who regularly treat their workers on subhuman levels, would no longer control women. Legalizing prostitution would prevent underground prostitution and extreme violence in unhealthy working conditions on the black market. When women decide to exchange money for sex, it is a personal choice open to them, even if dictated by difficult situations, which deserves more respect and an approach to occupational health and safety standards that would protect employees in sex workplaces. Thus, encounters could happen within controlled environments bringing about safety for both the customers and the sex workers. Prostitutes would no longer be strong-armed by pimps or organized crime rings. Underage prostitution would be curtailed. There would also be health-safety improvements through better HIV/AIDS prevention. Furthermore, leaving space for sex workers’ agency would counter the moral panic that currently entails negative, stigmatizing reactions to prostitution (sometimes even in the law court, determining former prostitutes who have become victims of trafficking to be reluctant to participate in the criminal proceedings for fear of being looked down upon and thus re-victimized).

Besides drawing attention upon the abusive overlapping in public discourse of prostitution and trafficking, the professionals’ narratives also revealed other aspects causing the gender-based stereotyping that the current approach to trafficking seems to be based upon – ‘innocent’ and passive female victim/vs./ active male victimizer – to become problematic. One of them would be turning a blind eye on the victimization of men especially through trafficking for forced labor. Asked to express their opinion on why such male victims have remained less visible (despite the fact that, statistically, trafficking in men for forced labor in agriculture or constructions was better represented in 2008, for instance, than trafficking of women for sexual exploitation [25]), they provided answers that would foreground either the stereotype of the ‘proud man’ denying objectification or the more pragmatic reason of a lack of alternatives in a poor society: “Dana: In general, men don’t look for help, don’t ask for help. [...] Maybe they are prouder, I don’t know... They are prouder and, secondly, I think, there is not much we can offer them... [...] So, they have been there, they have been exploited for labor, they haven’t been paid, they have been provided extremely poor accommodation; now, they’re back home, and what can we offer them? Either a training course or a job of 5 million lei a month [less than 125 euro – our note]. As a man, if you have a family, this really doesn’t help at all”. This was actually only one of the points in discussion when the larger social and economic context was brought up in direct relation with trafficking in its various manifestations.

A second problematic aspect was related to another facet of the subjectification of women in the framework of trafficking, namely women as procurers/traffickers. Radu tended to interpret that in terms of the Stockholm syndrome: “Some victims become traffickers themselves: firstly because they fall for their traffickers, adhere to their principles, and they find it natural to do to others what others have done to them. This presupposes that they are already breaking all norms of living and all moral codes. So they no longer have any sense of such norms. This happens to many victims because... they felt protected while exploited... The trafficker would tell them ‘see, I am taking care of you. If it weren’t for me, you would have nothing, you know that. (...) It’s no use going to the police, because I have money and you will solve nothing.’ They are discouraged, too, and so they accept their situation to a certain extent, and, in time, they come to consider it normal. Obviously, in time, if they remain in the network, they become recruiters themselves. Overcoming the Stockholm syndrome is very difficult, especially if mentalities are already changed. But it may also be a defense mechanism that, in time, becomes an adaptation mechanism, and then a norm of living”. Radu’s comment seems to be in line with Hannah Arendt’s remark: “It is certainly nothing new that those who are being violated dream of violence, that those who are oppressed ‘dream at least once a day of setting’ themselves up in the oppressor’s place, that those who are poor dream of the possessions of the rich, that the persecuted dream of exchanging ‘the role of the quarry for that of the hunter’, and the last of the kingdom where ‘the last shall be first, and the first last’” [26].

For Cătălin, the presence of women among procurers found an explanation similar to that provided by Laura Agustín: “women, as well as men, use other people as necessary” to make the best deal in the sex industry [27]. For Mirela, on the other hand, that was rather accounted for by victims’ dehumanization at the insensitive, stubbornly traditional misrepresentation and marginalization by a society that violently refuses them the chance to represent themselves and to reintegrate: “This happens because society rejects them. I’m talking about the underage, the pupils; if people find out she was trafficked, kidnapped, that she worked for money, everybody talks, everybody tries to use her... that makes it very hard for her. She’d rather drop out of school than... With adults things are the same: if they are not reintegrated, helped to find a job and be welcome there, it’s very hard, and they go back to scratch... [...] And then it’s hard to change anything”.

Unavoidably, though, much of the discussion focused on the victims, essentially defined by their trauma-marked behavior. The most comprehensive testimony in this respect was Radu’s. In his interview, he detailed the various symptoms of the trauma that the victims suffered from and that psychological counseling, in particular, had to address in order to help the victims work through. He made reference to both physical problems (bleeding, lack of appetite, head aches, vaginal pain, different diseases) as well as to specific posttraumatic stress symptoms like nightmares, frightening thoughts, bad memories and trauma re-experiencing triggered by words, objects or situations from the victims’ everyday life, especially during the trial proceedings. Sharing his observations on the victims’ behavior during the individual and/or group counseling sessions, he pointed out that psychologists could initially help the victims recover, at least to some extent, their emotional balance, but that working through the trauma always turns out a long-lasting, difficult, and sometimes not entirely successful process. Anyway, though initially reluctant to speak about their experiences, therefore to undergo narrative therapy [28], victims are encouraged “simply to speak”, “to express [their] feelings” without being blamed, judged, or made to feel guilty.

What Radu also signaled as one of the manifestations of the posttraumatic stress of the victims was hyperarousal, which caused the victims to feel tense, to have violent outbursts, to have a hard time coping with authority and with the daily tasks they were assigned in the shelter community. Similarly, in describing her experiences, duties and responsibilities in the shelter, Mitrița made reference to the victims’ prominent manifestations of self-defense and their (initial) lack of trust. Yet, Radu showed empathy for the victims, ascribing such behavioral patterns to the difficulty in adjusting to a new environment, away from the loved ones (especially if they had a good relationship with the family), which, nonetheless, with efforts on the psychologists’/social workers’ part, could be transformed into a holding or facilitating one where the victims could regain their emotional availability, their sense of trust and safety [29]. On the other hand, lacking the necessary background to understand the victims’ psychosomatic and behavioral problems, in time, Mitrița came to judge the victims as guilty for denying the patterns of their dysfunctional families, while actually tending to repeat them (violence, drinking, selling sex for insignificant sums of money). Finally, Dana’s interview presented a more moderate reaction to the victims’ lack of trust: she understood, up to a certain point, the victims’ reactions and their tendency to lie, but she could not refrain from expressing a certain discontent and disappointment with such behavior having negative consequences on the planning of the rehabilitation process by the case managers.

Definitely, most of the interviewees did not remain indifferent to the victims’ traumatizing experiences. Dana and Mihaela stated that, in their opinion, showing the victims sympathy and understanding is the key to helping them work through their trauma; they admitted that there had been cases in which the extreme violence that the victims had suffered had aroused their empathy and their desire to stir the community to take action to prevent any further abuses. Yet, they also admitted, as previously mentioned, that they felt hurt and disappointed – apart from the shortcomings in the implementation of the trafficking-related policies in the present-day social and economic context – by the victims’ lies and occasional attempts at manipulating them. That caused them to develop, in time, a sense of distance and to refrain from attaching too much to the victims. Radu also seemed to have come half way between empathy and professional detachment.

At the opposite pole, however, Mitrița evolved from certain closeness and sympathy with the victims to harsh criticism (which ultimately caused her to give up working in the shelter). Partly blaming it on the lack of

resources of a system that allows mixing children and adolescents in the same shelter, irrespective of their age, disability, background and problems, a system that suffers from a shortage of psychologists and of specialized personnel that causes the current employees to accept work overload, she came to feel traumatized by the negative attitude on the part of the victims in the shelter, by their resorting to violence even, by their claiming of rights without assuming responsibility and limits, by their lack of interest in proper education. Therefore, she ended up confronted with a feeling of distrust and lack of hope with respect to the results and the effectiveness of the strategies and methods used.

Apart from Mitrița, however, the general feeling of the interviewed professionals was neither one of optimism, nor one of resignation: “Radu: We do our best. If, out of a hundred cases, one is eventually solved, we could say we’ve still achieved something”. The general disappointment has come from the fact that the implemented trafficking-related policies have turned out still faulty, that the alternatives offered to the victims in the reintegration process are still unattractive and insufficient for them to make a decent leaving, and that mentalities are still far from having achieved the empathic unsettlement necessary for effective victim reintegration and prevention of trafficking.

4. Conclusions

The juxtaposition of samples of Romanian legislation on human trafficking and several interviews of professionals working in institutions representative for the management and implementation of human trafficking policies in the Galați area has revealed certain discrepancies between theory and practice, public and private representations of the phenomenon. For instance, despite the generally accepted incorporation of various forms of exploitation in the official definition of trafficking (statistically sustained, at least in the recent years) and the gender-neutral tone of discourse on trafficking, mentalities tend to remain stuck in a view of the phenomenon as typically aimed at sexual exploitation, as well as gender- and age-marked. That further connects with another gap between discourses on trafficking, namely that related to the definition of the victim which, despite urges at victim decriminalization, is still persistently anchored, partly in the legal discourse, but especially in the individual mental frames, in stereotypical profiling in terms of innocence, vulnerability, ignorance, and, implicitly, womanhood. Such patterns of thinking may equally account for the definitions of concepts like trafficking and victim being entangled in the prostitution/sex trafficking confusion with a dehumanizing effect on both sex workers and victims of sex trafficking. In the case of the former, the refusal to acknowledge their individual agency, i.e., their voluntary involvement, in a form of sex trading (prostitution, porn video-chat, massage parlors, escort services, strip bars and ‘modeling’ agencies) and the judgment on rigid moral grounds of their choices leads to denying them protection and assistance rights, enhancing their vulnerability and favoring their victimization through trafficking and social marginalization (hence, the suggestion of decriminalization of prostitution coming up in some of the interviews). In the case of the latter, their representation in morally stigmatizing terms, often not only by the public opinion, but also (and more grievously) by some of those who are supposed to help them overcome their traumas (like social workers, for instance) or those who are supposed to offer them protection and defend their rights (police, lawyers, magistrates, etc.), may cause them to remain trapped in the “compulsive repetition (or acting out)” of their trauma and prevent the working-through process that requires both “a more viable articulation of affect and cognition or representation” and “ethical and sociopolitical agency, in the present and future” [30]. As suggested by LaCapra, when approaching trauma-engendering phenomena like trafficking, we should work to change their causes “insofar as they are social, economic, and political and thereby attempt to prevent [their] recurrence” [31]. That would imply a more vigorous movement away from the criminal approach to human trafficking and reorientation towards a human rights model, reconsidering state responsibility in creating the conditions for the proliferation of the phenomenon and, with it, the influence of the larger economic, social, political and cultural context on its evolution. Therefore, efficient anti-trafficking policies should address the root causes of this form of violence in order to produce empathic unsettlement and rejection of rigid moralizing attitudes at both the private and public levels: only by

countering poverty, the lack of social and economic alternatives, as well as the endurance of patriarchal mentalities, stereotypically fixing women's representations in association with the domestic sphere (mothers and wives) and their sexuality (innocent virgins or whores) and turning a blind eye on the violence that they may be subject to, human trafficking may be properly addressed and combated as a socially and culturally determined issue in the Romanian society.

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